

MACARONI AND NOODLE PRODUCTS

27561. Noodles and spaghetti. (F.D.C. No. 45257. S. Nos. 39-042 R, 39-572 R.)

INFORMATION FILED: 5-12-61, E. Dist. Mo., against the St. Louis Macaroni Mfg. Co., Inc., St. Louis, Mo., and Roy A. Garozzo, president.

SHIPPED: 9-21-60 and 9-22-60, from Missouri to Illinois.

LABEL IN PART: (Pkg.) "Net Wt. 12 Oz. PURE EGG NOODLES St. Louis Macaroni Mfg. Co., Inc. St. Louis, Mo." and (ctn.) "L. M. 420 20-LBS. NET ED RAY ELBOW SPAGHETTI."

CHARGE: 402(a)(3)—contained insects, insect fragments, and larvae; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 7-5-61. Corporation fined \$1,500; individual fined \$500, plus costs.

27562. Noodles. (F.D.C. No. 46409. S. Nos. 94-372/3 R, 94-587 R.)

QUANTITY: 24 cases, 12 bags each, at Detroit, Mich.

SHIPPED: 6-19-61, from Cleveland, Ohio, by Weiss Noodle Co.

LABEL IN PART: (Bag) "Grosse Pointe * * * Egg Noodles Distributed by Grosse Pointe Quality Food Co., Detroit, Mich. * * * Net Wt, 11 Ozs. ["10" hand marked with crayon over the printed "11"]."

RESULTS OF INVESTIGATION: Examination showed that the net weight declaration as hand marked over the original printed statement was difficult to read.

LIBELED: 8-25-61, E. Dist. Mich.

CHARGE: 403(a)—when shipped, the original net weight statement "11 Oz." was false and misleading since the article contained less than 11 ounces; and 403(f)—the information required by 403(e)(2) to appear on the label, namely, quantity of contents, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 10-6-61. Default—delivered to a public institution.

27563. Canned spaghetti. (F.D.C. No. 45544. S. Nos. 39-753 R, 40-185 R.)

INFORMATION FILED: 6-2-61, E. Dist. Ill., against Vevco Foods, Inc., Belleville, Ill., John P. Viviano, secretary, and Frank P. Viviano, treasurer.

SHIPPED: 11-1-60, from Illinois to Arkansas.

LABEL IN PART: (Can) "A L M A ALMA CANNING CO. Alma, Ark. Contents 15½ Oz. Avoir. SPAGHETTI In Tomato Sauce With Cheese" and "Net Weight 15½ Ozs. Avd. FOOD KING SPAGHETTI In Tomato Sauce With Cheese Owned Grocers Inc. Chicago, Ill. Distributors."

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-2-61. Each defendant fined \$200.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

27564. Breeding mix, doughnut mix, and meal. (F.D.C. No. 43084. S. Nos. 8-186 P, 47-325/6 P.)

INFORMATION FILED: 8-28-59, Dist. Mass., against American Flour Co., a corporation, Charlestown, Mass., and Sidney Zion, treasurer and manager.

ALLEGED VIOLATIONS: Between 2-1-58 and 10-3-58, the defendants caused quantities of breeding mix and doughnut mix, while held for sale after shipment in interstate commerce, to be held in a building accessible to insects and to be exposed to contamination by insects, which acts resulted in the articles being adulterated.

On 9-15-58, the defendants caused a quantity of meal which was adulterated to be introduced into interstate commerce at Charlestown, Mass., for delivery to Providence, R.I.

CHARGE: 402(a)(3)—the articles contained insects and insect parts; and 402(a)(4)—the breeding mix and the doughnut mix were held under insanitary conditions, and the meal was prepared under insanitary conditions.

PLEA: Guilty by the company and nolo contendere by the individual.

DISPOSITION: 6-12-61. The company was fined \$300; the individual was fined \$200.

27565. Milo maize. (F.D.C. No. 46262. S. Nos. 51-059/61 R.)

QUANTITY: 34,000 lbs. at Floyd, N. Mex.

SHIPPED: Between 5-20-61 and 5-31-61, from Lubbock, Tex., by DeKalb Agricultural Association, Inc.

LIBELED: 8-23-61, Dist. N. Mex.; amended 8-31-61.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained pesticide chemicals, namely, captan and heptachlor, which are unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemicals on milo maize has been prescribed by regulations.

DISPOSITION: 10-2-61. Default—destruction.

27566. Rice and chickpeas. (F.D.C. No. 45229. S. Nos. 33-061/2 R.)

INFORMATION FILED: 3-29-61, Dist. N.J., against East Coast Food Merchants Co., a partnership, Hoboken, N.J., and Alexander Weinreb and Samuel Weinreb, partners.

ALLEGED VIOLATIONS: Between 1-6-60 and 6-6-60, the defendants caused quantities of rice and chickpeas, while held for sale after shipment in interstate commerce, to be held in a warehouse accessible to rodents, and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—the articles contained rodent urine; and 402(a)(4)—the articles were held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-2-61. Each individual fined \$300; imposition of sentence suspended with respect to the partnership.

27567. Puffed rice. (F.D.C. No. 46222. S. No. 91-918 R.)

QUANTITY: 101 cases, 18 pkgs. each, at Bronx, N.Y.

SHIPPED: 6-13-61 and 6-28-61, from Shiremanstown, Pa., by Quaker Oats Co.

LABEL IN PART: (Pkg.) "Weight 6¾ Oz. Net * * * Quaker Puffed Rice Manufactured by The Quaker Oats Company, Chicago."